

# Permitting decisions

## Variation

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We have decided to grant the variation for Telford Composting Facility operated by Veolia ES Landfill Limited.

The variation number is EPR/EB3007UE/V002.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

### Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

## Key issues of the decision

This permit allows the operation of a composting facility at the specified location. The inputs are limited to green wastes only and does not include catering or animal waste. Composting can only be carried out under predominantly aerobic conditions in windrows. The site aims to produce non-waste compost under the PAS100 specification.

This variation authorises an increase in annual throughput at the site from 20,000 to 25,000 tonnes. This annual throughput increases the daily capacity of the site over the schedule 1 activity threshold and therefore will be regulated as a Section 5.4 Part A (1)(b)(i) activity – Recovery of non-hazardous waste with a capacity exceeding 75 tonnes per day involving biological treatment.

The site is located west of Telford, near to junction 4 of the M54. There are no sensitive environmental receptors near to the facility however there are human receptors with 250 metres of the facility (motorway service station).

The key issues of our decision are explained in further detail below.

### Composting process

As the site will now be regulated as an installation, the Operator is required to use the Best Available Techniques (BAT) for biological treatment. We have assessed the site's operations against our draft guidance document '*How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector*' (which is our understanding of BAT for biological treatment) and we consider the activities to meet BAT. These techniques are explained in detail in the site's Standard Operating Procedures document which has been included as an operation technique in the permit (see Table S1.2).

### Bioaerosols

Due to human receptors being within 250 metres of the facility, bioaerosols monitoring is now a requirement of the permit. As the site was originally permitted in 2007, there was no requirement for a quantitative site specific bioaerosol risk assessment (SSBRA). We have not requested a SSBRA for this variation because this is an existing site and we do not expect the small increase in daily capacity to have a significant impact on the environment and human health.

We have included the newly published bioaerosols monitoring requirements (TGN M9) for all regulated biowaste treatment facilities. To enable the site to measure current background concentration of bioaerosols within the local environment, we have included improvement condition 1 which requires the Operator to undertake a baseline bioaerosols monitoring survey within 1 month of permit issue.

### Odour

The operator has submitted an odour management plan (OMP) to address the risk of odour emissions from the facility. The Operator has assessed the potential impact on nearby receptors and outlined the mitigation measures they intend to implement at the site. The Operator is required to operate at all times in accordance with the OMP to prevent pollution arising from odours and implement the mitigation measures in line with the plan.

The OMP identifies the closest commercial receptor as a motorway service station roughly 250 metres away and residential receptors within 500 metres. The predominant wind direction will take odour towards the motorway service station to the south west of the site. Due to the proximity of the site to the sensitive receptors, the Operator has outlined a series of measures to manage the risk of odour from the site.

These include but are not limited to the following odour management techniques:

- Material will be shredded or blended with woody oversize material within 24 hours of receipt to balance the C:N ratio and moisture content.
- Odorous loads will be rejected from site.

- Moisture and temperature monitoring will be carried out in line with the standard operating procedures. Composting will be adjusted as required to achieve the optimum composting process.
- Oldest waste will be processed first by following the first-in first-out principle.
- If odour is detected, shredding will cease until the wind direction is favourable.

The Operator has outlined that monitoring and maintenance plans will be in place to ensure there are no odour emissions escaping the site. We are satisfied that there are appropriate measures in place to effectively monitor odour emissions from activities carried out on site. Monitoring will include a daily sniff test along the entire perimeter of the site and monitoring of complaints.

The Environment Agency considers that the Operator has proposed appropriate odour management measures to minimise the risk of impact on nearby sensitive receptors. The waste acceptance and management procedures proposed by the Applicant satisfy the requirements of the Environment Agency's draft guidance document '*How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector*'. The odour conditions in the permit are sufficient to ensure that odour emissions from the facility do not cause annoyance. In the event that odour emissions are causing pollution, the permit conditions require the Operator to comply with the measures proposed in the operating techniques and OMP.

### **Fire Prevention Plan**

We have a regulatory duty to protect the environment and people. A fire that occurs on a site storing combustible waste materials can have a severe impact on the environment and on local communities. Waste fires can produce smoke that contains a variety of harmful emissions including asphyxiants and irritants. The longer the exposure to smoke, the more likely there may be significant pollution or harm to human health. Therefore our approach is first to minimise the risk of a fire occurring and then to recognise that if a fire does occur, it should be extinguished as quickly as possible whilst at the same time preventing it from spreading.

The measures set out in the Fire prevention plans: environmental permits guidance (November 2016) (the guidance) have therefore been designed to meet the following three objectives:

- minimise the likelihood of a fire happening;
- aim for a fire to be extinguished within 4 hours; and
- minimise the spread of fire within the site and to neighbouring sites.

We consider that if an Operator submits a fire prevention plan (FPP) that includes the measures set out in the guidance, we are likely to approve that FPP.

We identified the potential risk of fire from the installation due to the treatment and storage of combustible non-hazardous wastes on site (green waste and compost). The FPP sets out the measures put in place to prevent a fire and the actions that will be taken in the event of a fire occurring. We have assessed the FPP and appropriate measures are in place for non-waste materials, managing common causes of fire, preventing self-combustion, managing waste piles, preventing fire spread, detecting fires, fire water containment and contingency planning during and after an incident. We consider these to be in line with the guidance.

For composting activities, the stack sizes and separation distances stated in the guidance do not apply at the active composting stage as long as the windrows can be reached for firefighting purposes. This is because the composting process requires that the waste needs to be kept moist and so compost is regularly monitored for moisture and temperature as part of the composting process. Therefore the risk of fire in a well-managed compost windrow is minimal.

We consider that an Operator should demonstrate that they have enough water to both maintain moisture levels during the active composting stage and to put a fire out. The site does not have access to a hydrant and therefore encountered difficulty with the water supply aspect of the guidance. To meet the requirements of the guidance, the site has installed a filter and pump to their underground water storage tanks to enable the recirculation of water. Under advice from the local fire and rescue service, to allow for effective firefighting, the tanks will have a minimum of 44,000 litres stored at any one time.

The site layout plan shows 1-metre separation distances between the active composting piles which would make access for active firefighting difficult. The site has developed an isolation procedure to follow in the event of a windrow catching fire. Using mobile plant, the piles surrounding the hotspot will be disassembled to create a minimum separation distance of 6 metres. This has been tested on site and can be done swiftly.

We consider that these methods meet the objectives of the FPP guidance and are considered to be appropriate measures.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
<b>The site</b>	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Biodiversity, heritage, landscape and nature conservation	The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.
<b>Environmental risk assessment</b>	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>
<b>Operating techniques</b>	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Odour management	We have reviewed and approved the Odour Management Plan and consider it complies with the requirements of our H4 Odour management guidance note. We consider that the odour management plan is satisfactory. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.

Aspect considered	Decision
Fire prevention plan	<p>We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.</p> <p>Please see <a href="#">key issues</a> for further details.</p>
<b>Permit conditions</b>	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
Waste types	<p>We have specified the permitted waste quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <ul style="list-style-type: none"> <li>• they are suitable for the proposed activities</li> <li>• the proposed infrastructure is appropriate; and</li> <li>• the environmental risk assessment is acceptable.</li> </ul> <p>We made these decisions with respect to waste types in accordance with <i>'How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector'</i>.</p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme to ensure that baseline bioaerosol monitoring is obtained to allow for comparison against future monitoring data.</p>
Emission limits	<p>Bioaerosols threshold limits have been added for total bacteria and aspergillus fumigatus in accordance with TGN M9.</p>
Monitoring	<p>We have decided that monitoring should be added/for the following parameters, using the methods detailed and to the frequencies specified:</p> <ul style="list-style-type: none"> <li>• Composting process monitoring comprising of temperature and moisture checks</li> <li>• Odour monitoring</li> <li>• Storage tank integrity monitoring</li> <li>• Bioaerosols monitoring comprising of total bacteria and aspergillus fumigatus</li> </ul> <p>We made these decisions in accordance with TGN M9: environmental monitoring of bioaerosols at regulated facilities.</p>
Reporting	<p>We have added reporting in the permit for the following parameters:</p> <ul style="list-style-type: none"> <li>• Bioaerosols</li> </ul> <p>We made these decisions in accordance with TGN M9: environmental monitoring of bioaerosols at regulated facilities</p>

Aspect considered	Decision
<b>Operator competence</b>	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>We are satisfied that the operator is technically competent.</p>
Relevant convictions	<p>The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>